

Applicant: David Haase, *et al.*  
U.S.S.N.: 10/679,726  
Filing Date: October 6, 2003  
EMC Docket No.: EMC-03-100CIP2

### **REMARKS**

This Amendment is in response to the Advisory Action mailed September 19, 2006 and a telephonic interview held with the Examiner on October 11, 2006.

Reconsideration is respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-4, 8-11 and 15 are pending and stand rejected.

Claims 1, 8-11 and 15 have been amended.

Applicant, through his attorney, thanks the Examiner for his acknowledging and entering the Terminal Disclaimer filed with the Response to Office Action, dated August 9, 2006, to overcome the double patenting rejections of claims 1-2, 4, 8-9, 11 and 15.

The Advisory Action states that the amendments made to the independent claims 1, 8 and 15 on August 9, 2006, in response to the prior Final Office Action, raised new issues that require further consideration. In Response to the Advisory Action and Telephone Interview with the Examiner, applicant has amended the claims to more clearly state the invention. A full set of the amended claims are attached hereto.

In the prior Final Office Action, dependent claims 9-11 were objected to for the use of the language “the method of claim 8”.

Applicant thanks the Examiner for his observation and has amended the claim language to make the dependent claims 9-11 of the same type as the parent claim. More specifically, the claims have been amended to recite “the system of claim 8” rather than “the method of claim 8”. No new matter has been added.

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With regard to the distinctions between restoration and restoring step, applicant has amended the claims to more clearly state that the "preserving the data content" step(s) is made during the "restoring step".

It is respectfully requested that the rejection be withdrawn and the claims allowed.

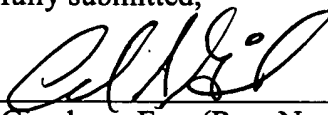
Applicant respectfully requests that the claims be entered and after reconsideration removal of all claim rejections for any pending claims and allowance of those same pending claims.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: 10/12/06

  
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